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EB 184971685 US



IN THE UNITED STATES PATENT OFFICE

Appln serial No. 10/083,529
Applicant: U.N. Das
Title: A method of stabilizing and potentiating....

Docket No UND 99.02 D 1
Primary Exr: Alton Pryor
Group Art Unit 1616

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

In response to the Office Communication mailed on 01/11/2007 for which the three month timeline expires on April 11, 2007, applicant requests that the following amendments be entered:

In the claims: Please delete claims 1-7 on file without prejudice and enter the newly presented claims 8-17 as in the attachment hereto. A marked up version of the claims and a clean copy of the claims are both attached hereto in accordance with 37 CFR § 1.121. It is believed that no additional claim fees need to be paid at this time.

REMARKS

The Examiner is thanked for his kind consideration in reopening the prosecution in this case.

Nonstatutory Double Patenting Rejection based on US patent 6,380,253 B1:

Claims 1-7 of the present application are rejected on grounds of double patenting based on earlier US patent 6,380,253 B1 to Das. It is submitted that the present application is not assigned at this time and is proceeding in the name of the sole inventor, whereas, the cited prior patent 6,380,253 B1 to Das, has an assignee. In other words, the present application and the prior patent, as of record, are not commonly owned. It is believed therefore that the "commonly owned" criterion presently does not apply at this juncture to the present application and the prior patent to Das. Accordingly, in order to respond to